

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.     )  
W.A. DREW EDMONDSON, in his     )  
capacity as ATTORNEY GENERAL)     )  
OF THE STATE OF OKLAHOMA,     )  
et al.                             )  
                                   )  
                           Plaintiffs,     )  
vs.                                 )CASE NO. 05-329-GKF-PJC  
                                   )  
TYSON FOODS, INC., et al.,     )  
                                   )  
                                   )  
                           Defendants.     )

TRANSCRIPT OF NONJURY TRIAL PROCEEDINGS  
NOVEMBER 19, 2009  
BEFORE GREGORY K. FRIZZELL, U.S. DISTRICT JUDGE  
VOLUME XLIX, A.M. SESSION

APPEARANCES:

For the Plaintiffs:             MR. W.A. DREW EDMONDSON  
                                   Attorney General  
                                   MS. KELLY FOSTER  
                                   Assistant Attorney General  
                                   State of Oklahoma  
                                   313 N.E. 21st St.  
                                   Oklahoma City, OK 73105

1 defendants, the agreement has been reached that  
2 Dr. Engel's direct examination will occur today, but  
3 we will not begin our cross-examination today and  
4 then give the witness an extended period of time off  
5 before he comes back.

6 I believe that the plan is to produce  
7 Dr. Engel for cross-examination on the Monday after  
8 Thanksgiving. Is that correct, Mr. Page?

9 MR. PAGE: If I may. Your Honor, what  
10 Mr. George says is essentially correct. Dr. Engel  
11 is the head of the department at Purdue University.  
12 And on today, he will begin his testimony. The next  
13 court date would be normally Monday, then Tuesday of  
14 next week.

15 On both those dates, he has a long-standing  
16 commitment as head of the department to vote on  
17 faculty promotions at the university. And so his  
18 input -- he has people in his department that are up  
19 for promotion, and he also votes on those folks --  
20 advocates the positions and then votes on those  
21 positions.

22 The next court date then he'd be available  
23 to continue testimony or cross-examination would be  
24 the 30th. And he will be available that day in the  
25 courtroom.